

## REMARKS

Claims 1 – 7 and 10 – 20 are in the application. Claims 1 and 18 – 20 are currently amended; claims 2 – 7 and 11- 17 were previously presented; and claims 8 and 9 have been canceled. Claims 1 and 18 – 20 are the independent claims herein. No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

### Claim Rejections – 35 USC § 102

Claims 1 – 7 and 10 – 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter "Diacakis". This rejection is traversed.

Regarding the rejection of claim 1, Applicant notes that claim 1 relates to a method including interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that represents the context of identity based on an availability of a device associated with the identity, where the identity is a person or a group of persons; detecting a new device oriented context provided by the device oriented context application for a specific device associated with an identity, wherein the new device oriented context provides an availability status of the specific device; mapping the new device oriented context provided by the device oriented context application to an identity oriented context for the identity by the identity oriented context application by associating the new device oriented context with the identity oriented context, wherein the identity oriented context provides an availability status of the identity; and providing data indicative of the mapped identity oriented context to the identity context oriented application.

Clearly, Applicant claims interfacing an identity oriented context application with a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity; and mapping the new device oriented context provided by the device oriented context application to an identity oriented context for the identity by the identity oriented context application by associating the new device oriented context with the identity oriented context, wherein the identity oriented context provides an availability status of the identity.

Applicant respectfully notes that claims 18 (also directed to a method), 19 (reciting an article of manufacture), and claim 20 (reciting an apparatus) are worded similar to claim 1 regarding the claimed device oriented context application and mapping the new device oriented context to the identity oriented context.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed device oriented context application, and mapping the new device oriented context to the identity oriented context.

Contrary to rejection argued in the FOA, Diacakis discloses an identity oriented context application (i.e., presence detection engine 18) that represents a context of an individual based on an availability of the individual and determining, by the identity oriented context application (i.e., presence detection engine 18), an identity oriented context for an individual, wherein the identity oriented context provides an availability status of the individual. Diacakis further discloses determining, for a specific time, an availability of the individual based on the identity oriented context for the individual (as determined by a "presence" of the individual provided by the presence detection engine 18 and the "availability" of the individual provided by the availability management engine 20) for the individual.

Applicant respectfully submits that the cited and relied upon Diacakis discloses a presence and availability management system that relies on an identity oriented context application. While the Final Office Action (FOA) states at pages 2 and 3 therein, "presence detection engine [is] interpreted as a device oriented context system since it

determines user's presence based on particular devices, and availability management engine [is] interpreted as [an] identity oriented context system since it determines user's availability based on user's situation", it remains a fact that Diacakis instead actually discloses an identity oriented application or system. This is true since Diacakis is fundamentally concerned with determining the availability of an "individual". The disclosed individual refers to a user (i.e., a person). Diacakis discloses,

[0026] As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.

[0027] In addition, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons.

Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available. (emphasis added)

and

[0038] FIG. 4 is a diagram of the P&A management server 12 according to one embodiment of the present invention. As illustrated in FIG. 4, the server 12 includes a presence detection engine 18 and an availability management engine 20. The presence detection engine 18 may determine an individual's presence upon particular networks based on various inputs, as described further hereinbelow. The presence detection engine 18 may transmit the presence information to the availability management engine 20, which in turn may determine the individual's availability based on the presence information as well as additional information, such as the individual's situation and defined rules and preferences. The determined availability information may then be transmitted to subscribers of the individual's availability information via the network 16, as described previously. (emphasis added)

Thus, Diacakis explicitly and specifically defines the meaning of "presence" and "availability" therein. Applicant notes that the defined "presence" and "availability" are each explicitly defined as relating to a presence of an individual and a willingness of that individual to be contacted. Therefore, there is no need to *interpret* the meaning of the terms "presence" and "availability" since Diacakis specifically defines the terms. Further, the presence detection engine 18 determines an individual's *presence* and the availability management engine 20, which determines the individual's availability is based on the *presence* information from presence detection engine 18 as well as additional information. Thus, the determinations of both the presence detection engine 18 and the availability management engine 20 are based on the *presence* information of the Diacakis system and method.

Applicant submits that there is no disclosure in Diacakis of the disclosed "presence detection engine 18" being the same as (or even suggestive of) the claimed "device oriented context application" as argued in the FOA since Applicant claims "a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity. Accordingly, Applicant respectfully submits that Diacakis fails to disclose interfacing an identity oriented context application *and* a device oriented context application.

Applicant further notes that Diacakis provides numerous examples of the presence detection engine 18 providing the individual's presence on different networks. Applicant incorporates the arguments of record related to Diacakis' extensive disclosed examples of the identity (i.e., individual) oriented application therein – the presence detection engine 18. Accordingly, Applicant will not repeat the citations to Diacakis at paragraphs, [0034], [0038], and [0040] – [0044].

Applicant submits that both the presence detection engine 18 and the availability management engine 20 disclosed by Diacakis relate to the availability of an individual. No availability of a device is disclosed as being determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application.

Applicant respectfully submits that claims 1, 18, 19, and 20 are not anticipated by Diacakis. Applicant further submits that claims 2 – 7 and 10 – 17 are also patentable over Diacakis for depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 10 – 20 under 35 USC 102.

**CONCLUSION**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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